



REFER TO OUR FILE #:129603

May 7, 2024

Hon. Patti B. Saris
United States District Judge
District of Massachusetts
By E-filing Only

Re: Steiner et. al. v. eBay Inc., et. al.
1:21-cv-11181-PBS
Request for Telephonic or Video Conference: New Plaintiffs' Counsel Retained

Your Honor,

This firm, together with Finkelstein & Partners, LLP, Scalli Murphy Law, and Finkelstein, Blankinship, Frei-Pearson, & Garber, LLP, have taken over the representation of the Plaintiffs in this case. Plaintiffs Ina Steiner, David Steiner and Steiner Associates, LLC (by David Steiner) did provide a Notice of Discharge to their former counsel Rosemary C. Scapicchio and Jillise M. McDonough at the Law Offices of Rosemary C. Scapicchio. **We respectfully request a telephonic or video conference for the purpose of discussing our need for a revision to the Court's Scheduling Order now in place (Doc # 275).**

We are guided by the Court's direction at paragraph 6 of said Order in which it sets forth that the "parties are strongly encouraged to informally resolve all discovery issues and disputes without the necessity of Court intervention" prior to scheduling a telephonic conference with the Magistrate Judge. We are further guided by Local Rule 16.1 (paragraph G) regarding modifications to Scheduling Orders, and we believe there is good cause for a modification to the Scheduling Order to enable us as newly retained counsel to have an extension to the discovery schedule.

In this regard, within 24 hours of having been retained, we reviewed the Court's docket and attempted to contact all counsel to be noticed regarding our need for an extension on the discovery schedule. Our letter was submitted to opposing counsel via email on May 3rd, 2024.

The law firm of Sidley Austin (counsel for Ebay) provided a prompt response and conferred with my colleague, Kenneth B. Fromson, Esq., and said defense counsel was amenable to the discussion of an extension. Similarly, we received the courtesy of a response from the Dept of Justice Counsel who took no position on the request. However, we did not receive a response from other defense counsel.

Additionally, as part of our due diligence, we were informed that prior Plaintiffs' counsel had retained a third party vendor to collect e-discovery documents and data for purposes of

providing substantive responses to Defendant's discovery requests. However, we have been unable to recover the materials in that vendor's possession, so we are literally unable to provide discovery responses without access to those materials. We are working to resolve this issue with the vendor. We are also informed that Defendants may have previously exchanged discovery via web/internet sharefile links, and so we are in need of all such defendants to provide those web links to our firm so that we can collect and review them. We are asking all defense counsel to utilize a centralized email address at our firm, to wit: ma.ebay@lawampm.com.

Given the above, we are compelled to write the Court and request a telephonic or video conference such that we can have these issues addressed with the Court. We are guided accordingly.

Respectfully,

A handwritten signature in black ink, appearing to read "Marc Diller". The signature is fluid and cursive, with the first name "Marc" and last name "Diller" clearly distinguishable.

Marc Diller, Esq.